

Amherst Charter Commission meeting of May 13, 2017, Bangs Community Center, Large Activity Room

Members present: Andy Churchill, Meg Gage, Nick Grabbe, Tom Fricke, Mandi Jo Hanneke, Irv Rhodes, Julia Rueschemeyer, Diana Stein, Gerry Weiss.

Collins Center: Tanya Stepasiuk, Michael Ward.

School Committee: Eric Nakajima, Anastasia Ordonez, Peter Demling, Phoebe Hazzard.

Public in attendance: Larry Ely, Andy Steinberg, Mike Hanke.

Agenda

1. Call to order, approve agenda
2. Public comment (30 minutes, or 2 hours if Thursday May 11 Feedback Session not held)
3. Member discussion of public feedback
4. Work on charter articles with Collins Center (may include Executive, School Committee and Other Elected Offices, Elections, Planning)
5. School Committee joins for discussion at 1pm
6. Planning/updates (10 minutes)
7. Approve minutes from previous meetings (5 minutes)
8. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
9. Adjourn

The meeting was called to order at 10:08 am.

Churchill: Public comment at beginning. Chance to deliberate what we've heard at feedback session. Working on charter articles with the Collins Center. School committee will be joining us. Also have planning and updates. Assuming town meeting finishes this week, might want to see if we can get a meeting in the next week or two.

Public comment.

Larry Ely: Precinct 8. I emailed you all a week ago about the idea of a mandate in terms of who's on here. We know it's been 5-4 for quite a long time. I said that the way to look at the 19 people who ran for Charter Commission: if they clearly ran in public comments to keep town meeting. Looking at the 19 candidates, it looked like to me that you had a clear 1 vs 0 for several people and a half which was ambiguous. So I came out with a score of 7.5 who wanted town meeting, and 11.5 who wanted to keep town meeting. You can't be creative in how you think about transparency if you have your foot back still in romanticizing of town meeting. People wanted to see some facets of town meeting carried over into the council. Town meeting as a forum could be kept. It could be a way of educating people who want to raise very general questions.

Consensus: not talking about town meeting.

Gage: The reason we're talking about participation is because the proposal won't have town meeting. We need to have robust citizen participation.

Andy Steinberg: Speaking as an individual. Town meeting is on the ballot regardless because town meeting is what happens if the charter does not pass. Your responsibility is to come up with a best alternative to the current form of government. Discussion on Thursday was very helpful. The question is: manager-council or mayor-council. That is the most difficult decision. When looking at the agenda I wasn't sure whether you wanted to make that decision today. It doesn't seem to be on agenda. I would encourage that you not make the decision but get on with other aspects of planning because it's really important that through the commission you have opportunity to hear from communities with council-manager forms of government and how accountability happens. Don't think there's a reasonable way to proceed. Leaves us in the dark. I also saw Brian Harvey last night (chair of prior charter commission). He mentioned that you received a letter from ICMA. What they did as a commission was reach out to governments in other university communities. It was helpful to understand how governments can function.

Grabbe: I have the report from the last charter commission here. They recommended a manager-council-mayor. The mayor was directly elected to a two-year term and had veto power.

Churchill: I read the description of the mayor at Penn State. What you described is what I was reading: directly elected and has veto power.

Rueschemeyer: We have done a lot of research.

Grabbe: Most university towns have mayoral forms of government.

Churchill: More communities have managers, but it's skewed towards mayors in the New England region. We're considering either.

Mike Hanke: Precinct 9. The largest input session was 60 people. One concern I have is that I see the same people in every one of them. I wish there were 300-400 people so you wouldn't be so insular. Citizen participation is not enough. After the 60-person input session, a lot of people were advocating for a strong mayor. My concern was that Sandy Pooler who wrote the letter advocating for a town manager, doesn't live here. A UMass professor said that in terms of performance, they're pretty much equal. One difference is civic engagement. More people would participate in an election for a mayor. There's a perception problem with the current form of government. A mayor can sit as a chair of a school committee. I think this is important. Over half of the 33 million budget goes to school. Tying SC closer to a central government is a good idea. A mayor is part of checks and balances of a council. Not sure how well a town manager is going to respond to councilors in this town. Not sure if you do advocate for a manager and council that you'd get enough support to pass. If we do change the form of government, I don't see any significant change for 10-20 years.

Gage: Asking the point of order. We have the Collins Center here and have a lot to do. I don't see any advantage to having a discussion of feedback first. Strongly propose going to number 4 on the agenda next to be efficient.

Churchill: We need to decide what form we're taking.

Gage: People in the public are saying that we are running out of time.

Rueschemeyer: I don't think we should have a discussion of public feedback. We need to get to work.

Churchill: We did talk about having a feedback session. We need to have a sense of what we can do on our own and together. Don't think we've made a decision about mayor-council or manager-council. Need to have sense of underlying structure. Gotten a lot of input since we met last as a group. Would be useful to discuss.

Stepasiuk: According to our agreed calendar, we're supposed to have a draft done by May 17th. We had some time in there for edits, so this is your moment to realize that we're under this deadline and we will go way past our original deadline. We're essentially looking at writing two charters simultaneously or not. From a process standpoint ideally we would not do that. I realize there are also other things that go into this. If for some reason we can't get there, there would just be more meetings for you to figure out that language. That's the reality. We're willing to work with whatever happens. If we change course and go towards a manager, it means having to go back, redo a lot of work, conceptually and language wise. If we want to do that, the work is worth it, but we don't want to do both.

Ward: This is an incredible creative group. I hope we can get to the point where there is enough time to be able to add some of the creative ideas you've discussed.

Stepasiuk: If we don't pick a direction we're going in, it will be tough to craft articles we haven't touched yet because a lot of them build off the form of government.

Hanneke: We don't have until July 28th. The paper needs our draft no later than July 14th. That's their maximum deadline. So we have two less weeks. The Collins Center would like a draft done a bit before that to send to Marilyn. We will need a few weeks to propose changes. We need a draft for early June.

Weiss: We have to nail this down now, this morning. I have a strong feeling there will be a move to change. Let's do it. Make the motion and do it. If we stick with a manager, let's move on. I agree with Mandi.

Grabbe: Last Saturday, Gerry took the principled stance of abstaining. That was helpful. I know where Gerry stands on manager-council. If you vote on a manager-council, I would like to know how Diana and Meg would vote.

Rhodes: I've grown weary of being bounced from one decision to another. Really tired of it. It's like we can't make a final decision. I do not wish to have any more straw votes on this issue. Would like to vote on it today and let's go forward with it. Enough of this back and forth.

Stein: Will we discuss the council-manager form?

Hanneke: I would prefer to go back to mayor-council. I've seen this commission able to make decisions better when talking about language. Think it might be best to look at proposals we have for executive town manager article. There are decisions that we did not decide last week that may change people's support. Need to have those discussions about this, not theoretical discussion. Propose to work on the town manager article.

Rhodes: That doesn't make sense. Let's define what we wish to do, and then define those positions the way we think they should be operating.

Churchill: My sense is that last time when we came to a decision, we wanted a mayor, chief administrator and council. We then talked about how that should work. As we looked at what a majority could and couldn't support, a number of us weren't comfortable. I do think we're saying council-manager.

Rhodes: It's another delay tactic. We need to make a decision. We're working on something that we really do not know what it is.

Stein: Would like to read from the document by the National Civic League. It's been in existence for a century and now in its 8th printing. It recommends a council-manager structure, which is the most widely used structure in cities with populations over 10,000. The model has been redefined but the fundamental decision is that there is new emphasis on promoting long term goals, regional and intergovernmental cooperation and greater citizen participation is exemplified by adding the following tasks: assist council to develop long term goals and strategies, encourage and support staff, develop public policy and develop a sense of community. It's the opposite of what Mandi is saying. We decide what the manager would do. If these are goals we think are important, a manager can promote that. I will support a council-manager system, but I will not support a mayor-council system.

Grabbe: Mandi was talking about how we haven't decided the powers of a council president. I'm not comfortable making a vote until we decide that.

Churchill: It would be worth hearing from everyone where people stand and what they can support. Have we changed our minds? Let's get a sense of what we're all thinking.

Rueschemeyer: My favorite model is the Cambridge model with Worcester method of citizens voting for a mayor who chairs the council. Cambridge works really well with a mayor and manager. If we had a manager-council without a mayor, that seems antidemocratic. I'd rather it be called a mayor, but I don't think I'd support it in the end either way.

Hanneke: My first choice was mayor-council. Not in favor of having a manager-council model that has a mayor-like figure. If we feel we need a leader in town, we should have a mayor. I will strongly urge that the manager gets as much power as possible.

Gage: I thought the feedback was pretty balanced. Don't see us change our mind based on how many people show up. It depends on the quality of discussion. Think we need leadership and think it's fine to call it a mayor. The mayor could be a spokesperson and sit on school committee. There could be way of managing the legislative body. I strongly favor that. I probably would support it in the end, depending on other things. If the council were 5 people, I wouldn't. I don't care if there's a mayor. I care more about management leadership that Amherst needs. Prefer manager-council.

Grabbe: Would like clarity on the difference between a council-manager with the mayor independently elected and a manager and mayor. I'm happy to support a mayor-council but lean slightly to a manager-council that includes a position that provides leadership either independently elected or within the council.

Churchill: Moving from town meeting to a council of district representatives, that's 80% of the improvement. A lot of work has been held up because we have a once or twice a year warrant process with Town Meeting. But I worry about an excitement gap. With a council-manager system I see that council taking policy leadership and legislative roles and the manager being like an unelected mayor. I think there would be more excitement in town if there's a mayor. There would be real point person and

leader. I lean towards mayor-council but do see a certain level of comfort with having the continuation of a manager. Could play out either way but prefer mayor-council.

Stein: My first love from the beginning is town meeting. Think we will have more interest in elections if there's one person per precinct and not fewer than that. An issue that has been raised to me: how can we have a 13-member council evaluate a town manager? Northampton has 5 committees of the council so a lot of work can be done in committees. That should not hold us back. If it takes courage to evaluate a public employee in public, I would not change my vote. I would vote for a manager-council.

Rhodes: I've always been for a town council-manager. People say a council cannot effectively articulate a vision for the town. I think that's a false dichotomy. If we say we want a council-manager, then we define that structure and we make that structure which we believe it should be. I'm strongly for a council-manager.

Fricke: What I learned from the feedback session was that there is lots of disagreement. I'm strongly in favor of moving forward with a council-manager. The council should have a legislative leader. I would not call them a mayor, but in favor of calling them a council president. A council-manager would have best chance of being ratified.

Weiss: Will not support anything that doesn't have town meeting in it. I don't truly believe that we've explored how to fix things. I have always had a belief that there are 400 people in this town who are passionate about the form of government we have. Everyone else just wants the government to run. Be careful about those 400 people telling us what to do. We want to bring the best government to the voters. I would be on a minority report. Will vote no from now on instead of abstaining.

Churchill: What I'm hearing is that the majority support moving forward on council-manager form. Do we want to take a vote on that?

Gage: I would support that.

Rueschemeyer: I can't vote for something that doesn't have town meeting, but will still be involved in the process of making the charter the best as can be. There are implications of identifying the leader of that council and what that's called.

Rhodes: Motion that this commission votes on a council-manager form of government. Want to confirm that this is our position.

Hanneke: I want to table that. Want to discuss language first. *Debate.*

Churchill: Motion to table Rhodes's motion to discuss language first.

All in favor: 7. Opposed: 2.

Now let's discuss details of a manager's role in Article 3: Town Manager.

Stepasiuk: When we have a town manager, it's an opportunity to flesh out powers and responsibilities, so that the manager can look at the charter to see what powers and responsibilities they have.

Hanneke: Referring to the Mayor-Council Charter Comparison document. When I made this chart, I went through 8 charters. This morning was able to go through 2 other charters.

Stepasiuk: How do people feel about a majority vs. supermajority (approval of manager)?

Churchill: Looks like all do it by a majority.

Fricke: Seems more accountable to have a simple majority.

Consensus simple majority.

Hanneke: Referring to Section 3-1. I want to add language that the town manager may not be a resident of town at the time of appointment but must reside in the town within 1 year of appointment.

Rueschemeyer: I don't support the town manager needing to be in Amherst. I think we have more flexibility in choice.

Churchill: Add "unless granted exception by town council."

Hanneke: Section 3.2 the very first sentence, suggested adding "chief executive and administrative officer." The manager was deemed both CEO and CAO.

Hanneke: I don't have a preference but want "executive" in there.

Grabbe: The word "responsible" seems a little vague. Should we instead say that the manager reports to the town council? Which is how it's currently phrased with the manager and select board?

Stepasiuk: In some ways it's a separate branch. If this person is hiring and firing, the council can't tell him or her what to do in certain circumstances.

Hanneke: Currently the select board has the executive function.

Churchill: I think you're combining some roles of town meeting and select board because they are hiring and firing the manager. The council is less clearly a legislature only. This council is the one that would get rid of the manager.

Stepasiuk: Talking about council-manager form, the manager is a powerful position. The question about reporting is interesting. The legislative hires and fires because someone has to. Someone needs to perform that function but that is really the extent. They get to go through the process, but the executive manager is making day-to-day decisions.

Rhodes: Spelling out everything without looking at legislative function of the council in terms to their duties and responsibilities, the question is who's leading whom? If the manager is being hired by the council, the council has very little authority and responsibility for the kinds of things they seemly would be elected for. The town manager seems to not be serving at pleasure of the council.

Gage: The council is in charge of policy and the manager has to carry it out. We have to make that clear in the charter.

Rhodes: That is how the school committee superintendent operates.

Gage: The manager has the same goals and parameters.

Weiss: What if the council says to the manager: I want you to prioritize inclusionary zoning. What power does the manager then have?

Hanneke: Think about a mayor-council system: the mayor has to enforce that law. The mayor doesn't have to actively seek out projects for that. It's the same in a manager-council system. The council is not the executive here, but is only the legislative body. The council evaluates the manager. The manager doesn't need approval of the council to do stuff.

Churchill: So there's some executive supervision.

Rhodes: It becomes the same as having a collaborative process. The town council would have to lay out the vision for the town and communicate what the council sees as priorities. The town council could fire the manager for not performing. The town council sets those standards of performance.

Stein: According to the National Civic League, they work together. The manager should work with the council. I don't want to set up conflict that it should be one or the other's role.

Churchill: I do think there's room for collaboration. Want to make sure that policy and parameters are clarified.

Rueschemeyer: When comparing to the school committee, we had the superintendent repeatedly say that he couldn't make an opinion. There's a vacuum in decision making authority and leadership.

Rhodes: From my perspective, when I was chair of school committee, it became a collaborative partnership. There were clear guidelines that went from the school committee to superintendent. We at one point said that we really want to move from one to another. That gave us control over some policies we considered important. I believe the same thing is possible between a council and a manager.

Ward: We can proceed into the list here. What Tanya and I can do is try to craft some language for the legislative that would delineate more clearly the roles. This might be an area where the commission could be more creative in putting language in that clarifies it. You're not gonna be changing anything, but clarifying for the public what the legislative and executive responsibilities are.

Stepasiuk: Occasionally they do these executive functions. At the end of the day, the council does have power to hire and fire.

Continue discussion the alphabetical list under Section 3-2.

Hanneke: Referring to (f). With that, the manager might be allowed to participate in the executive session discussions. I really think if we're going for clarification that we should not be allowed to have the head of executive branch take part in all discussions about the legislative agenda that they may even have proposed. I would take it out.

Fricke: Agree with Hanneke to leave it out.

Stein: Sometimes a town manager would be welcome to an executive discussion.

Churchill: Who wants to leave it in? *Two vote to keep it in. Everyone else wants it deleted.*

12:30 p.m. Lunch break.

1:07 p.m. All return.

Churchill: Members of the school committee are here. We're talking about a new form of government possibly manager council. We still have questions about how leadership might interact with the school committee and wanted to get input on that. Given our discussion this morning, that seems to be the preponderance at this point.

1:08 School committee calls to order.

Peter Demling: If you go back to a mayor, we would like to reconvene again because our input would be different.

Churchill: We've been talking about a council. Some models have a directly elected council president. Others would have a council elected president. For the school committee, there might be a liaison, might be a nonvoting member, voting members. etc

Hanneke explains the difference between a mayor-council and manager-council format.

Peter Demling: So your council sits at 13. A number that would be precinct elected, and the president of the council may not be directly elected. I understand you have a lot of work to do, but it's hard to give thoughtful defined actionable feedback if we don't know what you're doing. I'm not in favor of any specific change, but the school committee structure is important and I would be sad if we wouldn't be able to give the time that's needed. I would not like to see a change in the school committee structure.

Anastasia Ordonez: My concerns are around having either a mayor or manager serve as a voting member on the school committee. As you continue to evolve your thinking, it'll evolve our thinking. The biggest concern about having the school committee remain intact as a separate government body is that it's important to have some disconnect and tension between the school committee and someone who represents interest of the town more broadly. The school committee's job is to develop educational and policy budget for schools which may be slightly at odds for a government body which is thinking more broadly about other issues. To be the most effective, we have to be thinking strictly about schools, educators and students. We cannot do that if we have someone on the school committee thinking about other issues. I strongly believe in separation. If a mayor or manager has too much influence over our actions, our students and teachers may lose out. We could have a much closer relationship, but I don't necessarily think that that's a way to approach this problem. We have to be prepared for the potential conflicts that may arise. There are various reasons people take on positions like this. I'm having a difficult time understanding how students benefit by having a mayor or manager on the school committee. Aside from the research suggesting that low performing districts benefit from having a mayor, the research doesn't show any strong benefit of having a town side figure serving on the school committee. It doesn't help student achievement. The school committees have to be very focused on school achievement. The town figure would not have those interests in mind. I do think that the school committee needs to have a good relationship with the town figure. We benefit from having direct input and relationship building with other town leaders. Especially when it comes to budgeting. I do think it would be possible to have a mayor/manager either being a nonvoting member or having another informal relationship like being required to attend meetings on a regular basis, especially around budgeting issues. The one time of year that the school committee is focused on community input on developing the school budget, especially during those times, would be very important to work closely with town leaders to make sure everything is in alignment. I don't necessarily see that as a requirement for there to be a voting member. I think that can be achieved through other means. Finally, it's become very clear that in order for a school committee to be effective and for everyone on the school committee to stay respective of each other, we must not have any political issues interfere. It's critically important to have good working relationships. We should be able to have stable relationships and leadership. I worry about introducing another political element that could potentially do more harm than good.

Phoebe Hazzard: I've done research and had a conversation with the Northampton city council. By virtue of the fact that school budgets are a massive portion of the overall budget for the town, I do think that having that person who has a sense of the whole financial picture as a regular part of school committee discussion could be very valuable. In terms of voting power, I'm much more agnostic than Anastasia is. For a city councilor member to be on the school committee and be regular attending, it gives exposure to the different role representing interests of the town and schools. Schools are a major part of a

town's identity and character in terms of housing prices for example. I'm less inclined to feel that that closeness could be harmful. I think it could be beneficial. If it were to be a good mayor, that would be great. If it's a bad mayor that would be bad. If you have a councilor and not someone who is a chair, it lowers the risk. I'm excited about a new form of government and can see a lot of positives. If they would not be a voting member, then certainly a liaison who's part of the regular meetings.

Eric Nakajima: I argue against having the liaison/mayor being a voting member. If you have a 5 member school committee, then a liaison would automatically be on the regional school committee. It might reopen a negotiation of the regional committee. If there's an increase in size of the school committee, then there's a mismatch. It doesn't solve any problem that exists. The concept of having closer coordination and awareness of what the schools' needs are is generally a good thing to do. If the mayor is an ex-officio nonvoting member, I would want them to be accountable for what's going on in schools. If there's a council form of government, then what happens to the current institutional bodies that exist to coordinate? Now there's a joint capital planning committee, four boards that meet in the fall to do forecasting of the budget, and to the extent that those entities continue to exist, there is a less pressing need for a liaison to the school committee because a council person is there on those boards etc. to harmonize and understand budget priorities. If we have a council member sitting as a voting member of the school committee, there would be a perspective of wanting a person who's active and voting. As a harmonizing function it seems it would be well accomplished by having an ex-officio member serving as a liaison. If we have a council president style person: are you assuming that they go beyond a ceremonial role? If the town council itself started taking positions on school issues, there's a function matter on how you set priorities. Depending on what you do with the finance committee, you might want to have a liaison to have a good dialogue going on.

Peter Demling: I think a voting member is a bad idea. Would be a pickle to have a voting member added to the 5 elected school committee members. The relationship among school committee members is critical. Because the commission can't change the regional agreement, I don't see any other way around it. The school committee would benefit from a clear harmonized understanding connection with the town. A liaison from town participating with the school committee not just about budgets but also on issues relevant to the larger town, such as a new policy to protect the rights of undocumented students would be valuable but I also have concerns with a nonvoting member. A lot goes on in school committee discussions for purposes other than voting. Part of our role is communicating to the public. As we have discussions, we are very influenced by comments of other individuals on the committee and I think that's how it should be. The liaison will have significant influence on the discussion. We could have a couple hundred people per voting precinct that all of a sudden have as much right to speak as the rest of the school committee members do. The whole town has not had a chance to say yes. If we call council members at large, there might be voter confusion. When the town clearly knows that there are bimonthly meetings with the council and a formally defined process, giving an equal seat to a council member at the school committee table presents complications.

Hanneke: The size of school committee as it relates to the regional school committee right now is five and five. You both don't want it to be any other than five and five. It would be detrimental to the working relationship. One of our thoughts was expanding to seven so not everyone would have to be on both.

Eric Nakajima: Peter was focusing on the question of who gets to be on the regional school committee if you're the 6th person. It's probably more negative because of the way the district is organized. If you care about elementary schools and middle schools, you have to be on both. Someone who's going to run for school committee would have impact on both areas. As far as I can tell, it seems like you're solving a problem that doesn't need to be solved. All of our opinions are that we don't see a role of a voting member. You're avoiding a hassle that doesn't need to be created.

Anastasia Ordenez: The regional school committee is middle and high school. By being on both bodies we can deal with all school districts.

Peter Demling: A working relationship would be quite problematic. Nobody's concerns stop at 6th grade. Right now we have 5 members. Time is always against us. The time we have in meetings to discuss is so crucial and critical. I'm always slightly unsatisfied if I haven't heard enough from everyone. It requires a lot of back and forth of having someone speak before being able to change someone's mind. If we have the same level of engagement and planned length of meetings, with a difference in dynamics, to have meetings end before 11 is not really likely. With 5 it's a nice number where you can establish a level of deeper team dynamic and personal relationships.

Gage: Suggesting the school committee can come back after final decision is probably unlikely. What you haven't touched on is how the proposal eliminates how people participate. We're trying to make sure that the new charter doesn't isolate and distance the school process. Your obligation is to educate the public. The kinds of things we're considering for the town are petition options, recall, and referendum. Maybe give your thought on that? it's not just a quick fix but it's opening the process up so the public can make positive contributions.

Rhodes: There's a number of great minutia we still need to deal with. There's potential to have great impact. So when we listen to you about having more members who would cause a pickle, I wonder how other towns are handling that. You're a very large part of the town's budget. If there were a person sitting on school committee, they would be an elected person. I don't want to see that, in terms of expanding the school committee.

Eric Nakajima: We have a spectrum of opining from strongly against to strongly for. Mine is more pragmatic. It's hard to opine broadly about citizen participation. Without thinking and talking about it, I wouldn't be in favor of a recall mechanism. It's interesting to think about what mechanism does exist if there is a challenge with members: how do you deal with it? Looking at other towns and cities, how narrowly can you draw that? I can see people doing recalls. The petition thing could be the same way. There should be a form of redress. Whether or not it's a good thing to have mayor or not, with the current structure: agenda setting and agenda formation is very difficult. There are plenty of virtues to taking steps and modest changes. I would like to have building blocks upon building blocks. You intend to have a mayor set an agenda and presumably implement it. Having a town council or town manager, it's not really the job of a professional appointed person to set in a broader sense of what the priorities are. The superintendent has to be careful.

Churchill: We have talked about requiring annual forums. If a council format, we will create those conversations with precincts or wards.

Eric Nakajima: I would balance out having a procedural mechanisms like forums and meetings to include other products. Does the council develop a 3-5 year plan? There should be a nexus between community conversations so there is a clear method of engagement.

Anastasia Ordonez: To add to Eric and Peter, more community engagement is definitely good. We're struggling to improve that. Constituents are frustrated with the lack of input on key decisions. I think that's a problem. Having forums would be a great idea. I also agree that in theory, people are retaliating against individuals. We have a problem retaining school committee members because it is a very challenging position. Most are unpaid and have long hours. It's challenging for those who are working and are parents. The more opportunities we can discover for community engagement, the more we can provide a positive alternative, benefits all of us in the long term. There are definitely going to be samples from surrounding towns. I would be concerned in Amherst given the context, that specific members on the school committee may not serve in the same way or capacity. Finally, I do think that moving forward, it is important to have a continuing voice in what's going on in the charter commission. I strongly urge you to consider having us back if there are going to be substantive changes. We are directly affected by what's taking place around policies and budgets. At the very least we would hope our input would continue to be solicited. I really appreciate that from all of you.

Peter Demling: I am concerned that this is a little rushed. This is really valuable, in terms of implementation of a formal liaison connection. It comes down to voter intent and control. The public should know who is going to be influencing the discussion. I would be thrilled and over the moon in getting publicly engaged forums. Might look at different enrollment forums.

Churchill: I'm hearing understanding of harmonizing relationships, don't fix what's not broken, and that you want to stay in touch in the process. All those parameters are good to keep in mind.

2:15 p.m. Eric Nakajima adjourns the school committee.

Hanneke: I suggest staying later to get the major concepts down. Those concepts include who's appointing, etc.

Stepasiuk: We could move to major topic areas. Could skip to 4-3 Powers of Appointment. *Consensus.*

Hanneke: The manager generally appoints all department heads and generally the council confirms everything.

Rhodes: I see no reason for the town council to confirm director of disabilities access, IT director or facility director. They are not essential large segments of our government that need to be confirmed by our council. Ones that have a huge impact on public are fire chief, police chief, and superintendent of public works.

Churchill: What if we said that the manager appoints and they are approved unless rejected by the council? If some reason they want to reject somebody, they have that opportunity.

Fricke: I could imagine that while the LSSE director is not significant in town's budget, for some voters that's a very important interaction with the town. If I wanted to contact my councilors, my councilors could weigh in on a veterans' agency. My default setting would be: let's have the council have a positive power of affirmation rather than rejecting. I guess 99% of the time it will be a qualified person and move on.

Weiss: Are any of these positions going to have search committees? The current police chief and fire chiefs had organized search committees. We had done all that work. Then what if a council voted that person down without sitting in on any meetings because they just did not like that person. Not a good way to choose a police chief. Maybe we need a high bar--maybe, a two-thirds vote? I don't want politics choosing a police chief and fire chief.

Grabbe: Agree with Gerry about a two-thirds vote. I would worry about a group of members on the council second guessing the manager's choice because they preferred a different one of the finalists.

Rhodes: Could be comfortable with this if there was a formalized organized search process that included members of the council on those search teams.

Hanneke: Other charters throughout the country have specific requirements as to how search committees are formed. We could add department heads. Could keep it general saying appointments will be made.

Ward: There are too many potential scenarios. Don't want to tie hands that are better left in a bylaw.

Churchill: A search piece can be addressed in a bylaw.

Rhodes: I lean on the side of caution in relation to a formalized search process. I don't want to get back to a situation where an old boys network is in place. Cautious about a fair process for all.

Churchill: Are people okay with the manager appointing department heads?

Fricke: I think the council should have approval over department heads.

Weiss: There will be a bylaw about a search committees. We might have a different police chief right now were it not for the search committee. That search committee was critical.

Stein: We don't currently have a bylaw.

Further deliberation.

Rhodes: Instead of having all these boards and multi-member committees appointed by the town manger, could all or some of them be appointed by the town council?

Hanneke: Most towns have the manager appoint them.

Stein: I don't know if we can write this in the charter, but I would want the citizen engagement officer out there recruiting people. Being on the select board and having to scour for people to serve, I think having a citizen advisorsy committee so that people know it's an open process and not just limited, would be good. I would like this.

Hanneke: I want to see all appointments made by the manager. Keep all in the executive. I believe firmly we need to keep them in the same branch.

Weiss: When I was on the select board, it was very time consuming. Had to stay on top of it, call everyone, talk to them. Don't think select board is doing a great job of it right now. I wonder if the manager can handle all of that.

Stepasiuk: The community participation officer and residents advisory committee would shuffle through those applications, then give names to the town manager who would then appoint, and the council would confirm.

Rhodes: Why does the manager have to bring these appointments to the council? Community engagement officer, advisory committee etc. Why can't they go directly to the council?

Andy: Who's controlling community participation officer?

Rueschemeyer: In this language, the manager is choosing all these people. Our manager would be an unelected person who's choosing every person almost solely by him/her self.—that's enormous power in one person.

Rhodes: I'm not comfortable with that. These people will be bringing policy. They should be directly appointing them. Why have this extra step?

Hanneke: It's a check and balance. It goes to two powerful branches instead of one, and it's who's appointing them. You've got some bodies appointed by the council and some multi-member bodies reporting to the legislative council. In theory, policy comes out of the executive. Why are we moving policy things to the legislative?

Rhodes: Policy is in the purview of the council. Does anyone disagree?

Grabbe: Agrees.

Churchill: It's about division of labor here: time and capacity. It's a question of what kind of checks and balances we have. You're thinking from the perspective of school committees and superintendent.

Rhodes: It's a matter of practice on a day-to-day basis. We have a citizen advisory committee. We have a community outreach person. They're going to be working on these boards and committees. It's a matter of practicality. Whether they are under the direction of a manager is of little concern to me. What happens with the results is what we're talking about. What kind of perception is that creating in terms of power balance, if the results of their labor is going straight to the council?

Churchill: If we're looking for more people for ZBA, they would need to have some ability to make technical decisions. Do we leave the manager completely out of the process? Or bypass the manager?

Stepasiuk: You want people helping them and supporting them. Want to take advantage of their knowledge and expertise.

Churchill: We don't want a filter that shuts people out. Would a manager be an inappropriate filter or appropriate filter?

Rhodes: My concern is that it is this manager who has the professional expertise. We want to have those prospective members be put before the manager. All these people seem to meet all the qualifications. That's where it stops. Actual approval goes toward the council.

Hanneke: Under current section 2-11, the council still has the ability to ask who else applied.

Rhodes: I want the manager to recommend but the councilors appoint.

Stein: I wonder if the manager and council can review applicants together. It would at least stop the favoritism.

Rhodes: The people who are getting elected are not appointing them. People are getting elected but are not appointing the people who will have enormous political impact. And then these people are able to say "hey I didn't appoint them." Top button issues in this town are ZBA and planning.

Rhodes leaves at 3:20 p.m. Discussion of the next meetings.

Rueschemeyer: There seems to be a little too much time on listening sessions, not enough working sessions.

Hanneke: We currently have 6 meetings. Don't think that's enough with how slow we're going.

Stepasiuk: I would recommend scheduling a few more meetings. This will be your push to get things done. You can always cancel the meetings.

Hanneke suggests making a poll to see everyone's availability for potential future meetings. Churchill adjourned the meeting at 3:33 p.m.

Respectfully submitted,
Fiona Servaes

Documents presented:

Draft Executive Article Manager 2017-05-13

Mayor-Council Charter Comparison